

# Law Offices of Michael Dryja

patent prosecution for technology

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**FACSIMILE TRANSMITTAL SHEET**

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TO:  
Examiner Jinsong HuFROM:  
Michael DryjaCOMPANY:  
Group 2154, USPTODATE:  
8/27/2004FAX NUMBER:  
1-703-872-9306TOTAL NO. OF PAGES INCLUDING COVER:  
8

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RECEIVED  
CENTRAL FAX CENTER  
AUG 28 2004RE:  
RESPONSE TO NOTICE OF NON-  
COMPLIANT AMENDMENT,  
serial no. 09/753,267

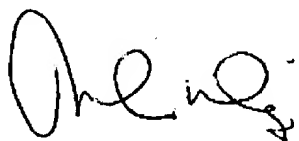
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## NOTES/COMMENTS:

In the patent application having the first named inventor Vivek Kashyap, filed on 12/29/2000, and assigned serial no. 09/753,267, in response to the Notice of Non-Compliant Amendment mailed on Aug 19, 2004, please find filed herewith and attached hereto a RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT, which corrects the deficiencies in the claims previously submitted in the Office Action Response of July 20, 2004 (specifically, that the claims were indicated as "presently amended" instead of "currently amended"), including the following:

facsimile transmittal sheet (1 page)  
copy of notice of non-compliance (2 pages)  
new claims section for office action response (5 pages)

It is requested that the new claims section be substituted for the previous claims section submitted. Except for changing the moniker of the offending claims from "presently amended" to "currently amended," the claims are exactly the same as filed in the Office Action Response of July 20, 2004.



Michael Dryja, Applicant's Attorney  
Registration No. 39,662

August 27, 2004  
date

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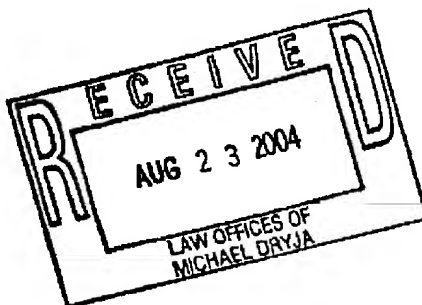
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,267	12/29/2000	Vivek Kashyap	BEA9-2000-0010-US1	1494
23441	7590	08/19/2004	EXAMINER	
LAW OFFICES OF MICHAEL DRYJA 704 228TH AVENUE NE PMB 694 SAMMAMISH, WA 98074			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



PTO-90C (Rev. 10/03)



## UNITED STATES PATENT AND TRADEMARK OFFICE

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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 07-20-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

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Rev. 6/04